IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5301 OF 2004

IN

CRIMINAL APPEAL NO. 1520 OF 2003

Riteshkumar @ Prem Babulal Khonda ..Applicant
(Ori. Accused No.8)

versus

The State of Maharashtra ..Respondents

Mr. P. R. Dave for the Applicant.
Mr. D. P. Adsule, A.P.P. for the Respondents-State.

CORAM : D. G. DESHPANDE,J.

DATE : 14TH JANUARY,2005

P.C. :

1. Heard learned Counsel for the applicant - original accused No.8, and learned APP for the State.

2. Earlier Bail application of this applicant was rejected by me by my order dated 15.4.2004 and therefore fresh application has come to me.

3. Learned counsel for the applicant - accused contended that while rejecting the application of

the applicant - accused earlier, I had taken into consideration, amongst other things, rejection of bail application of accused No.1 in similar circumstances.

4. Now Mr. Dave points out that in Criminal Application No. 3628 of 2004 accused No.1 has been granted bail by this court on 5.11.2004 and therefore this applicant - accused is also entitled for bail. He also contended that the accused is in custody for over 2 years and 9 months and that when original accused No.1 was granted bail on 5.11.2004, as stated above, the accused No.1 was in custody for about 2 years and 3 months.

5. Learned APP contended that there is no change of circumstances and the robbery was committed at the point of gun.

6. The change of circumstances is the grant of bail to the accused No.1, because rejection of bail of accused No.1 was one of the reasons given by me in my earlier order.

7. In view of these facts, the applicant - accused be released on his P.R. bond of Rs.5,000/= (Rupees Five Thousand) with one or two solvent sureties in the like amount. Applicant to report to

DCP CID once in a month, till the appeal is disposed of.

. Application is disposed of accordingly.

14.1.05 (D.G. DESHPANDE,J.)